Juries-1936

Jury Service

"Well, there are no Negroes on the Hollins jury. I thought we had won the right to have some Negroes used in the trial of that case," declared an Okmulgee citizen in discussing the Jess Hollins case today. This individual expressed a viewpoint assumed by many who talk about the trial now in progress as these lines are written.

Many persons who discuss the several decisions won in the federal courts in connection with the systematic exclusion of Negroes from southern jury panels, are of the opinion that it is now mandatory to have a Negro sit in every trial where a black man is involved. This is not the intent or background to the court's viewpoint.

If discrimination were not practiced it is possible that some white man in thickly populated Negro areas might be tried wholly by an all-black Negro jury. What the court had in mind when various decisions have been rendered on this question, is that jury commissioners have no legal right to deliberately plan some method by which Negroes may be barred from service. Whenever this can be proved and is obvious to the court, the trials held by such illegally drawn juries are reversed. 2-15-36

Even though several reversals have been made of inferior court decisions because of jury exclusion, it is still possible for both state and defense lawyers to legally challenge Negro jurors so that they will infrequently serve. That is to say, had the jury commissioners in Okmulgee county added the names of two or three Negroes to the list and they had been called for service, the state could have exercised its right of challenge for cause, which need not necessarily be assigned. This would have prevented Negroes from serving. Oklahoma City

The position, however, that Negroes may take, which is effective, is to continue to challenge all adverse decisions, wherein it can be shown that there has been systematic exclusion. Due process relates to life, liberty and property, and Negroes should invoke this rule in adjudicating their property rights, whenever jury cases are involved.

It is a mistaken notion that many people have that Negroes are excluded from jury service because some one may assume that they do not have sufficiently developed social outlook. There is not a court official in Oklahoma but who knows that the average black taxpayer comes as nearly within the qualifications laid down in the statutes as do the whites. The basic requirements is that one be of sound mind and of good moral character. Intelligence tests also have bearing, but as we said before, the average black man who owns property and is thrifty usually scores high mentally.

Negroes are excluded from jury service in the South mainly because those who would keep black folk in a state of peonage and a secondary position in citizenship, must prevent Negroes from retaliating or having a way to fight back.

Take, for instance, a white jury sitting in judgment upon a Negro charged with crime. That white jury can be as calloused and cold-blooded as it desires. It can take its pound of flesh or leave it. It can act on its whim or caprice, because none of the relatives of the victim upon whom they visit punishment will ever sit in judgment on them.

But let us reverse the picture. Suppose Negroes had the unrestricted right to sit on juries. Suppose a Negro is charged with crime and as the jury deliberates upon the case they look out in the courtroom and see the relatives and friends of the defendant, who tomorrow may be sitting in judgment upon one of the members of the jury.

The attitude of white people would change over night towards black folk if suddenly it were made possible for Negroes to sit in judgment upon the acts and conduct of white people. Jury service is fundamental in citizenship and until black men have secured this right their life, liberty and property are insecure in this country.

We sat yesterday near the county attorney from the county seeking to take the life of Jess Hollins. We noticed his diagram while the jury was being impaneled. When a man was called who said he was from Connecticut, and another who came from a northern state, they were immediately checked off and challenged. The county attorney of Creek county wanted men on that jury who came from the South, and who had southern ideas of justice.

We noticed also that the only honest man, who openly expressed his opinions regarding his methods of reaching conclusions, was immediately challenged. This man said: "There is no difference between a white woman and a colored woman, or a white prostitute and a black prostitute." That's an honest and a truthful statement, but that sort of philosophy was not wanted or desired by the state on the Hollins jury.

Looking at jury service then from this angle, it can be seen that the men and women who control our political structure are anxious to inject local prejudices into their legal deliberations. By such a measuring stick, law sinks down to the level of public sanction. And that is all that law is—public sanction.

If you live in a community that sanctions mob violence, calloused indifference towards Negro education, poor housing, cramped civic rights, when black folk get into courts the sanctions dominating such communities are going to be preserved.

The very questions asked prospective jurors show that each side is attempting to select individuals who have the moral and ethical slant at things comparable with their own. This one angle to jury service should convince black folk that it is important that they fight for the right to sit on juries. The ideals and notions that black folk have regarding justice can never be fully, effectively and properly expressed except in the jury box.

Be First To Die In N. J. Chair

(Photos on Page 4)

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A jury of 10 men and two women, one of them, Mrs. Hazel Anderson, colored, weighed the evidence introduced over a period of two weeks, did not recommend mercy in its finding, making the death sentence mandatory.

The trial, which ended Saturday, drew as much colored interest as white. In fact the accused woman, faced by the chief witnesses for the state which were also colored, denied on the witness stand last Friday that Wilbert Drummond, colored farmhand, was over friendly with her and that she at one time had called him 'sweetheart.'

The implication that the stocky Drummond and not the accused white man, Driscoll, was really the lover of Mrs. Dolbow was not news to the local colored population. Shortly before the first trial of the pair began last fall Salem residents referred to Drummond as the man she was in love with.

ACCUSED DRISCOLL

Drummond on the witness stand last week testified against the woman whose name was associated with his. He said Driscoll killed Doblow while Peggy had a flashlight for the killer to see by. Drummond also said Peggy refused to let him call in the police.

Other parts of the testimony revealed that Drummond and James each been given $5 three weeks before the murder was committed to kill Doblow. It was testified Driscoll had carried them a short distance from the farm to a spot where Dolbow was supposed to be. The two left the car while Dricoll waited. Drummond fired a shot into the air then returned to the car with Dickerson. They asked for the $45 balance on the job for which $50 was to be paid. Driscoll refused to give it to them until he had proof that Dolbow was dead.

Peggy and Driscoll gave Drummond $25 the night of the murder as the price of silence, it was also testified. Drummond, star witness for the state, painted in his testimony a weird picture of the murder night and the peculiar actions of Peggy, Drummond carried the slain man's body from the garage to the house. Drummond also admits having taken a watch and money from the dead man's pocket but he denies participating in the murder.

CONFLICTING TESTIMONY

In his testimony Drummond said that she "felt perrectly safe" staying on her farm alone with Drummond and that she spoke talking to Driscoll and Peggy while he met them in movie point, however, Salem, a leisurely town of old naamond. At another point, tives families, is, in a sense, isolated he asked Driscoll and ad-houses of nearby towns. A de- at the farm be- it was testified she as- from the city activities of distant aid of Drummond. Camden and Philadelphia. Resi- analysis of his testimony dents lead a life more or less re- to stay with her at the were when hercause she was afraid of These occasions were for Mrs. Dolbow's affection. Mrs. Dolbow said at one point that he and Driscoll were friendly rivals slain husband, Harry D for Dolbow, was stricted to excursions to neighborarry Dolbow, was ing towns. Many of the colored

Colored Juror Feature Trial And Witness

7-15-36

Journal & Guide Norfolk, Va.

Accused Woman To

Juries-1936

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Colored Juror Feature Trial And Witness

Accused Woman To

families have lived here for long periods. It has been the scene of several notable cases among the race.

Several years ago huge throngs of colored residents were aroused over treatment accorded several victims of state police brutality.

CREATED INTEREST

They all crowded into the century old court house where the Dolbow-Driscoll trial was held when a hearing on the case was announced one day. The crowds were so great that the hearing was postponed.

The neighboring farm life of which the present case is a reflection is reminiscent of farm life in the south. In fact all Southern Jersey abounds in southern prejudices. There are nearby villages from which Negroes are practically barred.

Drummond has been held by police since the murder because he began spending money freely after it. The murder was originally charged by Driscoll to have been committed by a phantom Philadelphia colored man.

Council for the accused woman had asked that her punishment be fixed at life imprisonment, if a murder verdict were returned against her and Driscoll. Unless she is granted a pardon, the former school teacher will be the first woman to pay the supreme penalty in the electric chair in New Jersey.

ON JURY

MRS. HAZEL ANDERSON

The only Negro sitting on the jury in the murder trial of Mrs. Margaret Dolbow and Norman Driscoll at Salem, N. J. Mrs. Dolbow and Driscoll are charged with slaying Mrs. Dolbow's husband. — ANS Photo.

NORFOLK, VA.
LEDGER DISPATCH

FEB 10 1936

Negro Jurors on Negro Offenders

From Wynne, Arkansas, comes a little news story telling of the conviction and sentence to death of a Negro man for murder. So far as appears from the story, there was nothing about the murder to distinguish it from hundreds of other sordid murders. What made the story worth the telling over the wires was the fact that the twelve jurors included one Negro juror—"the first," says the story, "of his race to occupy such a position in this state since reconstruction days"—and that this juror voted, of course, with the other jurors to sentence the accused Negro to die.

As a matter of fact, the news consists of the inclusion of a Negro in an Arkansas jury. There is nothing of news—to any moderately informed person—in this Negro's vote to impose the extreme penalty upon a member of his race whom he believed to have been guilty of murder in the first degree. To the contrary, it is a matter of common knowledge or of almost common knowledge, among those who have given any thought to the subject that one of the reasons for the large number of crimes of violence among the underprivileged Negroes of the South is their knowledge, conscious or sub-conscious, that they will be leniently dealt with by white jurors. That is to say, crimes against Negroes by Negroes are, as a rule, not severely punished by white juries. This is not to suggest that white juries are moved by any peculiar tenderness toward Negro offenders. It is to say, rather, that they are inclined to regard crimes against Negroes by Negroes as something rather like mere peccadilloes.

On the other hand, as has frequently been set out in these columns and in the editorial columns of other newspapers, when a Negro of sensibilities is sitting in judgment as a juror upon one of his own people he feels not only a sense of ordinary, individual responsibility but a sense of racial responsibility. It is not, as has more than once been charged, a show-off spirit or an inclination to truckle to his fellow-jurors that disposes him to be severe with the accused person. Pride moves him, and something close to resentment.

If we in the South swore in more Negro jurors, we should impose heavier penalties upon Negro criminals—strange as that may seem to outsiders.

WHAT TO DO WITH NEGRO JUROR IS KEEPER'S PROBLEM

MONTGOMERY, Ala., Feb. 20.—(ANP).—What to do with three Negro jurors serving in the federal court here proved a serious problem for the keeper Wednesday night when the jury could not reach a decision before bed-time.

In this city and section where prejudice is, it is unheard of Negroes living in white hotels, it became necessary for the keeper of the jury to "find a way out." When bed-time arrived he broke all traditions in a way but prevented the Negro jurors from sleeping in the same room with the whites, by renting an adjoining room in the hotel where the jury was being housed for the night for the Negro jurors.

According to the law, the jurors are required to be kept together until a verdict is reached and their report is made to the court. While the jurors were not "kept together," it is possible that the court will look over this descrepancy and accept the verdict.

Dawson, Ga., News
February 20, 1936

Negroes Drawn for Federal Court Jury at Americus

Traverse Jury of Federal Court Had Negro Among Members.

The first negro to serve on a jury in Sumter county since reconstruction days saw service on the traverse jury during the February term of federal court in session at Americus last week.

Sam Chapman, of [illegible]esburg, was drawn for jury service.

Due to a decision handed down by the supreme court in the Scottsboro case regarding negroes being called for jury service, federal authorities ordered last fall that five "high-type" negroes be placed in the jury box.

Two negroes who served on a jury a number of years ago are recalled by this incident. Elbert Head and Dave Dudley, both negroes living in Americus, saw jury service. Dudley was a negro republican leader in Georgia.

Juror in Murder Case

MRS. HAZEL ANDERSON, the only colored member of the jury sitting in the Dolbow murder case in Salem, N.J.

Suffolk, Va., News-Herald
February 19, 1936

Two Negro Voters On Buckingham Jury

BUCKINGHAM, Va., Feb. 19.—(AP)—Two Negro voters have been summoned for service on the grand jury of seven which will convene in Buckingham circuit court March 10 to take up, among other cases, the charges of murder against Hazel Rose, 16-year-old Negro, accused of slaying Mr. and Mrs. Edgar Kellenger.

The Buckingham County jury commission recently included the names of several qualified Negro voters in the list of 200 citizens chosen for jury service this year. It was the first time this had happened, certainly since 1900 and probably since reconstruction days.

Richmond, Va., News
March 1, 1936

NEGRO'S CASE IS GIVEN TO JURY

Accused By Co-Defendants Denies Damages 'Racket'

The fate of Richard Gee, alias "Sweetie," Chicago Negro, the first of several Negro defendants to go on trial in Criminal Court here on false pretense charges in connection with operation of a reported fake damage suit "racketeering ring," was placed in the hands of a jury in Judge Wheeler's court at noon Wednesday.

Gee, held in county jail on 14 charges in connection with the filing of bogus damage claims, denied the charges against him after three Negroes indicted jointly with Gee had turned state's evidence and testified against him. Gee was tried on a charge of collecting a $75 claim from Home Baking Company by falsely pretending roaches were found in a piece of cake purchased from the company.

Enda Sands, Mabel Harris and Elmore Cleveland, indicted jointly with Gee in connection with the transaction, all testified Gee placed the roaches in the cake.

Arguments were begun Wednesday morning, with Solicitor Bailes and Assistant Solicitor Tate pleading for the state, and John Carlton and Robert Proctor pleading for Gee's acquittal. Punishment provided for conviction on a false pretense charge ranges from one to 10 years imprisonment.

Juries-1936

ROME, N. Y.
SENTINEL

FEB 8 1936

Negro on Murder Jury

In Arkansas a trial jury composed of eleven white men and a Negro has just convicted another Negro of murder in the first degree and sentenced him to death in the electric chair. It is said to have been the first time one of black skin has so served on a jury in the state and his presence was the result of the ruling of the Supreme Court of the United States in the Scottsboro cases which were tried without such Negro representation.

Not everyone in this part of the country regards Arkansas as of the Old South, because of its location on the west bank of the Mississippi; yet it was one of the Confederate States and it today has nearly half a million blacks to only a little more than 1,360,000 whites. Slaves there in former days may not have been as severely treated on the whole as in some of the other states; but, on the other hand, Maryland and Virginia probably bore the best reputation for considerate treatment apart from Virginia's practice of raising young men and women for sale farther south.

It remains to be seen how long the high court's ruling will continue to be observed. This is not the first instance since it was rendered that a Negro has been seated in a jury, taking the South as a whole. Nevertheless in the last Scottsboro trial the several Negroes who had been called were all eliminated through challenges and not one was retained to hear the evidence. Should that verdict likewise be reversed on appeal to Washington because of the exclusive white complexion of the jury, undoubtedly the practice of impaneling mixed juries will spread rapidly—at least until some new method of evasion is invented.

As for that, however, if it is early found the Negro jurors show no disposition to favor those of their own blood, it is possible the new order will be accepted generally. Some Southern newspapers have contended Negroes would be more apt to deal rigorously with those of their own race than otherwise.

Americus, Ga., Tri-County News
February 14, 1936

NEGROES DRAWN FOR JURY HERE

The first negro to serve on a jury in Sumter county since Reconstruction days saw service on the traverse jury during the February term of Federal court in session at Americus this week.

Sam Chapman, of Leesburg, was drawn for jury service in the Cherokee district.

Due to a decision handed down by the supreme court in the Scottsboro case regarding negroes being called for jury service, federal authorities ordered last fall that five "high-type" negroes in the districts be placed in the jury box.

Two negroes who served on a jury a number of years ago in Americus are recalled by this incident. Elbert Head and Dave Dudley, both negroes living in Americus, saw jury service. Dudley was a negro Republican leader in Georgia and was almost postmaster here.

NAME RACE JUROR AFTER ACQUITTAL OF WHITE SLAYER

Private Wire Dispatch 2.

All-White Jury Frees Plantation Owner Who Killed 70-Year-Old Colored Man Who Wouldn't Call Him "Mister"—Pleads Self-Defense.

WYNNE, Ark., Feb. 13—The first Negro to serve on a jury since reconstruction days participated in a Cross County murder trial last week, the day following acquittal of a young white plantation owner for the killing of a 70-year-old Negro who refused to call him "Mister."

Aubrey Lancaster, white, Parkin landowner, was freed after three hours' deliberation Wednesday, by a jury of farmers and business men of the murder of E. Williams, aged Negro share-cropper, who was shot down in the streets of Parkin last May 22 after an argument.

Lancaster claimed "self defense," advancing the statement that a penknife was found in Williams' pocket after his death. Williams was a share-cropper on Lancaster's farm and the two had disputed over their agreement.

Witnesses for Lancaster testified that Williams was "disrespectful" to white men and generally referred to them without the prefix of "Mister." They also said that Williams had been an active member of the Southern Tenant Farmers Union, an organization devoted to securing justice and safeguarding the rights of share-croppers against grasping white land owners.

Whether these statements, if true, would have given Lancaster the right to kill Williams from the southern viewpoint, was not made clear, but the inference was left with the jury.

Freeing of Lancaster aroused considerable comment, even among the more intelligent white population of Cross county, which has a large number of Negro residents. The following day, Joe Edwards, 55, brick mason, was sworn for jury duty.

Edwards and 11 white men delib-erated only 15 minutes before sentencing to death in the electric chair, another of his race, Andrew Hefley, for the killing of his wife at Cherry Valley in 1932.

Hefley had been a fugitive from justice for nearly four years, and was captured at Paducah, Ky., several months ago.

Edwards' appearance in the jury box was forced by Hefley's attorney, Fred Stafford, who quoted the famous Scottsboro decision in petitioning the court for inclusion of Negroes on the jury.

While Memphis and other near-by newspapers treated the acquittal of Lancaster as routine news, they appeared surprised at Edwards' jury service and printed the news under "feature" headlines.

Private Wire Dispatch 3.

Charlottesville, Va., Progress
February 19, 1936

Colored Voters Are Included On Panel

BUCKINGHAM, Feb. 19—(AP)—Two colored voters have been summoned for service on the grand jury of seven which will convene in Buckingham Circuit Court March 10 to take up, among other cases, charges of murder against Hazel Rose, 16-year-old colored boy, accused of slaying Mr. and Mrs. Edgar Kellenger.

The Buckingham County jury commission recently included the names of several qualified colored voters in the list of 200 citizens chosen for jury service this year. It was the first time this had happened, certainly since 1900 and probably since reconstruction days.

Wilmington, N. C., News
February 18, 1936

NAMES OF NEGROES PUT IN JURY BOX

New Hanover Commissioners Vote Unanimously To Place Them There

The county commissioners decided yesterday to place the names of negroes in the jury box from which are drawn grand and petit juries to serve in New Hanover superior court.

The action was agreed upon by a unanimous vote.

Names of negroes have not in recent times been included, though their inclusion is contemplated by law. The law provides that the commissioners shall prepare a list of men of good moral character and sufficient intelligence.

The action came without discussion after Chairman Addison Hewett announced that preparation of the new jury list will begin shortly. The commissioners had, at the time of the Scottsboro case ruling by the supreme court, discussed the necessity of including the names of negroes. County Attorney Marsden Bellamy pointed out that the systematic exclusion of negroes would, under the supreme court ruling, constitute grounds for a new trial.

In the Scottsboro case the negro defendants were granted a new trial on the grounds negroes had been systematically excluded.

Wilmington, N. C. Morning Star
February 18, 1936

Names Of Negroes Placed In New Hanover Jury Box

BOARD TAKES ACTION

Commissioners Had Discussed Step at Time of Scottsboro Decision

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Virginia State Passes Bill To Separate Juries

Journal and Guide

Also Votes Funds For Hospital And School

3-7-36

Journal and Guide Bureau

RICHMOND, Va.—Described as a means to prevent Negroes from sleeping in the same hotel and eating with other members while serving on a jury, the Norris-Ambler-Cather bill was passed by the Virginia House of Delegates Tuesday.

The measure was introduced following vehement objections on the part of white jury members and restaurant and hotel operators to Negroes being allowed to eat and sleep with them.

Prior to the passing of the Norris-Amber-Cather measure, Virginia law made it mandatory that a jury should be kept together, even overnight, until a verdict had been reached.

Under the new law, the presiding judge may or may not, at his discretion, order separate accommodations for "certain members of the jury, providing that said jurors are kept in the custody of the proper officers."

Another clause attached as a rider on the bill made it legal for the judge to appoint an alternate juror, in the even one membe of a jury became sick or for other reasons was forced to be excused.

Behind the passage of the bill are such incidents as occurred in localities using Negro jurors.

In Portsmouth, all colored jurors were taken to the kitchen of cafes when time came to eat, until one of them objected. Since then, it is understood there have been no cases in which colored jurors have served which required the jury to be kept intact during recesses.

No juries, similarly, have had to be locked up for the night, and hence the question of lodging the men in a hotel has not arisen in Portsmouth.

In Norfolk the first colored juror to serve in a trial was taken to a hotel dining room and ate with the other jurors. None of his associates on the jury objected, nor did the hotel management. Later however, at least one restaurant asked the court not to send juries there for meals if colored men were members.

Two Negro state institutions came in for substantial appropriations when the State Senate in a record-making vote passed the budget bill for the next two years.

The largest share, $245,000, went to the Central State Hospital for Negroes at Petersburg while the Virginia Manuel Labor school for boys at Hanover was given $17,000.

The Senate approval of the appropriation for the state hospital, marked victory after a long fight led by Mrs. Wanser Bagnall Webb, of Norfolk, president of the Virginia State Federation of Colored Women's Clubs, to secure money for the erection of a separate juvenile unit.

The women have made repeated demands of state authorities to provide a seperate ward or colony for minor feeble-minded patients. The juveniles at present are housed with the adults.

Though the appropriation bill does not designate how the money is to be spent, it is believed that the committee framing the capital outlaw measure, had the erection of this unit in mind.

Senator Aubrey G. Weaver, who headed the budget committee, in his victorious fight for the passage of the appropriation, pointed out to the legislators that insane hospitals and epeleptic colonies could not secure WPA grants like the colleges which are self-liquidating.

Order Negro On Juries

Planet

OKLAHOMA APPELLATE COURT ORDERS NEGROES ON JURIES OR TRIALS WILL BE REVERSED

3-7-36

OKLAHOMA CITY, Okla., Mar. 5—(ANP)—The state Criminal Court of Appeals last week issued a stern warning that the U. S. Supreme Court's Jess Hollins decision must be followed by all inferior courts in Oklahoma, or the state high court would reverse convictions of Negroes before white juries.

In the Jess Hollins and Scottsboro ruling the court held that a Negro was deprived of his constitutional rights in cases where Negroes were systematically excluded from jury lists.

Death Case Argued

The warning came in the oral argument on the appeal of Laurence Mitchell, Tulsa Negro, who was sentenced to death on a murder conviction.

Only recently, Jess Hollins, Creek County Negro, twice sentenced to death for an alleged attack on a white girl, went into the United States Supreme Court and obtained an order for a new trial on grounds that Okmulgee county, where he was convicted the second time, barred Negroes from the jury which tried him.

Third Trial Held

He was recently tried a third time before a white jury and sentenced to life imprisonment.

"We're going to follow the United States Supreme Court decision," Presiding Judge Thomas A. Edwards announced.

"I suggest that it will save a lot of trouble if the attorney general of Oklahoma will instruct county attorneys that Negroes must be placed on the jury list. We're going to start reversing some of those cases if they don't follow this decision."

Negro Jurors Must Not Be Barred, Court Warns

OKLAHOMA CITY, Okla.—All courts in this state must follow the U.S. Supreme Court's ruling that Negroes must not be barred as jurors, or it will reverse Negro convictions, the State Supreme Court of Appeals warned last week.

3-7-36

Meanwhile, the National Association for the Advancement of Colored People announced it would continue its press for Hollins' freedom, despite the fact he has signed a statement that, content to serve a life sentence rather than risk having a fourth jury give him the extreme penalty should he successfully appeal his third conviction on a charge of raping a white woman.

He continues to deny he is guilty. Hollins was formerly sentenced February 28, following his conviction a few weeks ago.

Thomasville, Ga., Press
February 28, 1936

Negroes Missing On Lowndes Jury

VALDOSTA, Ga., Feb. 23.—The Lowndes county jury box does not contain names of negro jurors, a fact which may seriously affect several important criminal trials at the May term of the superior court.

The jury box will not be revised until next summer and it is understood that negro jurors will then be added by the jury commissioners.

The other four counties of the southern circuit including Brooks, Colquitt, Echols and Thomas, also are without negro jurors, which made it necessary last week for Judge W. E. Thomas to transfer the case of John Henry Sloan, negro, from Colquitt county to Dougherty county to get a trial. Sloan was convicted in Colquitt county for the murder of Otis Gay, white, and the verdict of the jury was set aside by Judge Bascom Deaver of the federad court, because Colquitt county had no negro jurors.

Negroes Drawn For Federal Court Jury

The first negro to serve on a jury in Sumter county since reconstruction days saw service on the traverse jury during the February term of federal court last week.

Sam Chapman, of Leesburg, was drawn for jury service.

Due to a decision handed down by the supreme court in the Scottsboro case regarding negroes being called for jury service, federal authorities ordered last fall that five high type negroes be placed in the jury box.

Two negroes who served on a jury a number of years ago are recalled by this incident, Elbert Head and Dave Dudley, both negroes living in Americus, saw jury service. Dudley was a negro republican leader in Georgia.

Juries-1936

Negro Juror Asks Excuse In B'ham

Wireless Press

NEGRO ON JURY ASKS TO BE LET OUT

1-12-36

The second Negro to be called for jury duty in Jefferson County since the U. S. Supreme Court handed down its "Scottsboro" decision, which resulted in Negroes' names being placed in jury boxes throughout the state, had been excused today at his own request.

The Negro, John Allen, 1521 Eighth-av, N, summoned for duty next week, pleaded that jury service would mean loss of time from his work as a railroad brakeman. Presiding Judge J. Fritz Thompson excused him.

Seymour Carroll Federal Juror

Columbia Record

Charleston, Jan, 17—Seymour Carroll of Columbia has been summoned for Jury service in the U. S. District Court for the Eastern District of South Carolina meeting here next week, January 20, at 10:00 o'clock.

1-18-36

Mr. Carroll lives in this city, and is well known over the State, is a field representative of the American Humane Education Society.

JUDGE QUASHES TRUE BILL, SAYS RACE EXCLUDED

Birmingham Chronicle

1-18-36

JACKSON, Tenn., Jan. 17—For the first time in the history of Madison county, a true bill returned against a member of the Race was quashed and killed here Friday morning when Judge Frank L. Johnson gave this section its first application of the far-reaching decision handed down by the United States Supreme Court in the famed Scottsboro case of Alabama last year when it held the Race boys had not been allowed their Constitutional right to be tried by a jury of their peers as Race citizens had been "systematically excluded" from jury duty.

The Madison County Criminal court got its first reverberations of the Scottsboro case when the grand jury composed entirely of white men returned an indictment against Clifton Hurt, Jr., charging him with assault with a deadly weapon (a pistol) with intent to commit first degree murder upon Raymond and Ernest Newsome, and Judge Johnson ordered that the indictment be quashed due to the absence of a Negro on the jury.

The court's order to quash came after Martin Exum and C. C. Glasgow, attorneys employed by Hurt had presented a plea praying that their client's indictment be quashed. The court granted the plea but ordered Hurt held under the state warrant on which he was arrested and fixed his bond at $5,000. Hurt is in the Jackson jail pending raising bail.

Atlanta Journal

1-18-36

A special grand jury was named by the court and it was ordered to meet Saturday morning for the purpose of passing on the charges contained in the warrant for Hurt's arrest. One Race citizen, Gene Anderson, was named as a member of the special investigating body and was termed by Judge Johnson, "a citizen who has the respect of all who have had dealings with him, whether white or black."

In a statement from the bench, Judge Johnson said: "The white man and the black man in Madison county have lived and worked in harmony for many years, and this question has not been raised before. The white people of this section have the utmost respect for the respectable Colored citizens."

CHARLOTTE, N. C. NEWS

JAN 13 1936

It's in the Book.

This newspaper in recent days carried two items which, when taken together, are significant, indicative of the indifference which white people pass off as a generous and indulgent attitude toward the Negroes. One was that in Charlotte last year 22 people were murdered. The only pleasant thought in connection with that record is that it is less than in former years. But it is a high death rate, even from the scourge of murder. The other item was that one Flemming Pierce, Negro, was convicted of murder in the second degree.

Pierce made his plea before the jury and declared that his victim, one "Georgia Boy," was shooting at him from behind a tree and that he, Pierce, shot to protect himself and ran. The jury disbelieved him and accepted the State's contention that the defendant sought out the other man and shot him in the back as he walked along the street with his wife. The contentions were clearly in conflict. Either Pierce was guiltless, shooting to defend his own life as he had a right to do, else he was guilty of first degree murder.

One may not question how this particular jury reached its compromise, but it is thoroughly in accord with a long line of precedents. White juries have consistently refused to find first degree murder verdicts where Negro killed Negro. It is as if white jurors shrugged their shoulders and said: "Another nigger killing — what's the difference?" Well, for one thing, it all goes down in the book. Charlotte has a murder record equal to gangster centers'. Up there, no doubt, they think that Southern colonels are doing all the shooting. The statistics are against us, not to mention the number of human beings who are brought down in cold blood.

MADISON, WIS. STATE JOURNAL

JAN 16 1936

Should Be No Color Line

ATTORNEY Fred Risser raised not only an interesting legal question but a racial equation in his motion challenging the Dane county jury panel from which a jury was to be drawn for the trial of Wayne Tallaferro, a Negro, on a criminal charge.

Mr. Risser declares that the color line has been drawn as to jurors in Wisconsin as it has been in Mississippi. He intimates that full citizenship rights have not been accorded a Negro in this state any more than they have in states south of the Mason and Dixon line.

According to Mr. Risser Negroes have purposely been omitted from the jury lists of Dane county.

Judge Zimmerman, aware of the Scottsboro decision of the United States supreme court that there must be Negro representation on jury panels where Negroes are likely to be tried for crimes, considered Mr. Risser's objections of sufficient basis to postpone the trial of the Negro defendant until a new jury panel is drawn on which Negroes are represented.

We are inclined to believe that a color discrimination has not been intentional in Dane county. It has simply resulted because there are comparatively few Negroes in Dane county and little thought has been given in regard to them when the members of the jury panels have been selected.

The omission of Negroes from the jury panels to which attention has been called by Mr. Risser should be remedied at once. Colored persons have full citizenship rights in this nation and neither Dane county nor any county in any state has a right to discriminate against them.

Most of the Negroes in Dane county are intelligent persons and well qualified for jury service. Opportunity should never again be given for the raising of the Scottsboro decision in a court of Dane county.

a contention on a desire that jurors of their race should seek
to divert the course of justice. Jurors are expected to ful-
fil their obligations by confining their consideration of cases
to the law, the facts and the evidence and reach a verdict
after according such consideration.

The most general complaint directed at juries is that
they too often are guided in their verdicts by public senti-
ment and judging from the contention of some of the citizens
of the "Hoosier State," they would have it so. Until such an
attitude is dispensed with, the jury system will be a failure
and further, Negroes will find it difficult to gain representa-
tion from their racial group on juries.

NEGROES ON JURIES

THE IDEA SEEMS TO PREVAIL in certain circles, that the presence of Negroes on juries should influence verdicts favorable to Negro defendants chargable with the commission of crimes, regardless as to the evidence presented. This thought comes to mind in view of a jury verdict of guilty for a Negro defendant charged with attacking a white woman The case as reported by the Indianapolis Recorder, was heard at Muncie, Indiana, by a jury composed of ten men and one woman of the white racial group and one Negro man. According to the report, adverse criticism was directed at the verdict, especially as concerns the attitude of the Negro juror, which brought forth a statement from the juror that he was convinved of the defendant's guilt under the proof offered.

Negroes who contend for representation on juries in the courts of our land, if they are thoughtful, do not base such

Negro On Mississippi Jury, But He's Excused

GULFPORT, MISS., Jan. 22.—(AP)—For the first time in about 30 years a negro appeared today for jury service in Harrison County Circuit Court.

His name headed a list of special veniremen summoned for the trial of Lewis Boudreaux, 21-year-old Louisianian charged with criminally attacking an 11-year-old Gulfport girl.

The negro juror, M. F. Nichols, principal of the Biloxi negro high school, was among the first 12 qualified by the court and tendered the State's Attorney.

But along with three white men of the initial panel he was excused by Dist. Attv. R. C. Cowan.

Bishopville, S. C., Messenger
January 30, 1936

INTERFERING WITH JURIES

We have a jury system in this county by which civil and criminal cases are tried. The juries render decisions according to the evidence. Of course a jury may make a mistake, but on the whole the decision of the jury is more likely to be right than wrong. It is a costly matter to try cases. A party has the right of appeal from the lower to the higher courts up through the supreme court. A case may be retried, but only supposed to be done under extraordinary circumstances. In the case of prominent parties or where even very lowly parties are concerned, but who in some way get influence or money at work in the case, not only do said cases go through all the courts, but new trials are secured and the matter goes the rounds again and at times like a circle, round and round it goes. To illustrate, let us cite the Hauptmann case. It has gone the rounds and is now likely to begin over if the present governor of New Jersey has his way. There is no telling what may happen. The lower court spoke decisively after an exhaustive trial at which the defense used every means at hand to clear the accused. Then it went through the appeal route to its extremity and only the governor's word stood between Hauptmann and death. That word came and it has been intimated the governor will keep on reprieving as long as he can. Then let us take the historic Bigham conviction and the same sentence. Yet this and that move was made until finally the defense and the prosecution virtually took the matter out of the hands of the sitting jury and settled it themselves by changing the sentence from death to life imprisonment. Then another case, the Scottsboro case. A certain convicted negro rapist has been tried four times, three trials resulted in death sentences. The fourth brings the sentence of 75 years which is virtually a life sentence. Now, not content with this sentence for a crime that invariably carries death, intimations of appeal by the defense with the avowed intention of defeating justice if possible. So this case is on the appeal list we might say for the fourth time. The work of jury after jury has been made of no effect. All this can but encourage crime and discourage honest jurors in the discharge of their duties. Governors take the authority whether they have it or not and interfere with jury work. Is it any wonder the rest of the world, even darkest Africa and other uncivilized countries look upon this country as the dark spot of crime. We have reports from certain sources on lynching. We have almost annually in the national congress efforts to make anti-lynching laws. If all these efforts were spent on making laws that would punish, no matter who is who, laws that sharp lawyers could not twist around. Laws that corrupt as well as tender hearted governors could not repudiate and trample under foot, we would have less crime and there would not be the pointing of the finger of scorn at this country. The jury system is good but the interference of judges and governors and sharp lawyers has nearly made the jury a laughing stock and a farce.

First Negro Juror Aids Guilty Verdict

WYNNE, Ark., Feb. 6.—Andrew Hefley, negro, a fugitive for nearly four years following the killing of his wife at Cherry Valley in 1932, was sentenced to death in the electric chair today by a jury that included one negro. The jury deliberated less than 15 minutes.

Hefley was captured at Paducah, Ky., several months ago.

Joe Edwards, 55, brick mason, was the first negro to serve on a jury in Cross County since reconstruction days.

Defense Attorney Fred Stafford petitioned the judge for the inclusion of negroes on the jury box, quoting the Scottsboro decision.

The Jury Question

SOME misunderstanding still exists as to the reasons why more general use of Negroes on juries has been urged by many southern white people and newspapers, as well as by the JOURNAL AND GUIDE. The Petersburg *Progress-Index*, for instance, recently stated editorially: "There is no general complaint that juries are too lenient in cases in which the accused are colored."

We had thought the fact too well established to admit controversy that Negroes who commit crimes against other Negroes receive much too favorable consideration at the hands of all-white juries in the South. Judge MARTIN FLEMING of the Chattanooga city court recently advocated all-Negroes juries to try colored defendants in murder cases, believing that under such a system the interest of justice would be greatly furthered. Judge FLEMING had observed that of 1,100 Negro defendants in murder trials, less than a half-dozen received the death sentence.

Had the juries which tried these cases been composed exclusively of Negroes, the Chattanooga jurist thought, every one of the accused would have been sent "straight to the chair." Commenting on this opinion, the *Progress-Index* questions the justice of the results which Judge FLEMING predicted. "It is hardly to be contended that the accused in the 1,100 murder cases were guilty," the Petersburg paper states. "It is not desirable that the jury which tries every individual charged with murder shall be certain to send him to the chair." Such conclusions are both logical and sound, and with them the JOURNAL AND GUIDE is in entire accord.

But the point made is not responsive to the primary question in issue. The real need is for a more serious regard for the lives and property of colored men and women when jeopardized or taken by Negro law violators. That such regard is not held by white juries in the South is amply demonstrated by the oftentimes ridiculous verdicts they return in such cases. It is not uncommon to find a second degree murder verdict, with punishment fixed at from two to ten years, brought in by an all-white jury that has heard facts conclusively proving a case of first degree murder of one Negro by another.

Such leniency is objectionable because it fosters lawlessness by the simple process failing to be a deterrent to crime, which severe punishment always is when meted out in proper cases. It is not that we, and others who share our convictions, want to see more colored people in prison or the electric chair. What we want is less crime, and fewer criminals.

In a few weeks when the nation's crime statistics are released, southern cities as a group will lead those of all other sections in the number of homicides per 1,000 population largely as a result of all-Negro crimes. Certainly this is not a distinction which the South will cherish. And it is one which can be removed by the faithful performance of their duties by juries in the cases mentioned. The point we make is merely that Negroes sitting on those juries would quickly alter the whole outlook of prospective Negro criminals.

NEW YORK DAILY NEWS

FEB 7 1936

PICK COLORED MAN ON ARKANSAS JURY

Wynne, Ark., Feb. 6 (AP). — A colored man served on an Arkansas jury today for the first time since Reconstruction days. Joe Edwards, concrete mixer, was qualified as a juror in the murder trial of Andrew Hefley, colored, accused of slaying his wife at Cherry Valley in 1932. The State is asking the death penalty.

New York Herald-Tribune

FEB 7 193

First 'Scottsboro' Jury Sits in Arkansas Case

Negro and Eleven White Men Convict Negro of Murder

WYNNE, Ark., Feb. 6 (AP).—Arkansas first "Scottsboro" jury sent a Negro to death in the electric chair today. Andrew Hefley, a Negro, was convicted of first degree murder for the slaying of his wife.

With eleven white men, Joe Edwards, Negro concrete mixer, sat on the jury—the first member of his race to occupy such a position in the state since reconstruction days. The jury deliberated only ten minutes.

Selection of the Negro juror followed the raising of a Scottsboro plea at the outset of the trial by Hefley's attorneys.

Juries—1936

Albemarle, N. C. Press
March 6, 1936

To Put Negroes On Jury Lists.

Rockingham.—A native of Richmond county, J. R. McCormick, negro lawyer from Washington, appeared Wednesday in Federal court in Rockingham and demanded that negroes be given representation on Federal juries. Judge Johnston J. Hayes quashed an indictment for blockading against a brother of Attorney McCormick, and ordered that henceforth the names of some negro electors be included in jury lists of each county in the district. Another bill of indictment against the accused man was immediately drawn by District Attorney Carlisle Higgins, acting under Judge Hayes orders.

Farmville, Va. Herald
February 28, 1936

Negroes on Jury in Buckingham County

By W. W. Haskins

Two negroes have been summoned to serve on the grand jury in Buckingham at the March term of Circuit Court when the negro, Hazel Rose, will be presented along with other cases. The late Judge John Hill of the county court was summoned to appear before the federal circuit court at Lynchburg to show cause why he had not had negroes serve on juries in his court, and for many years thereafter negroes served on mixed juries in the county courts there when negroes were tried and on one occasion a jury of 12 negroes served in a case in which one of the race was tried he was found guilty.

After the county courts were abolished few if any negroes have been summoned for jury service in this county and a negro lawyer has never practiced in the courts here although negroes have served in both branches of the legislature.

Hamlet, N. C., News Messenger
March 5, 1936

Negroes to Go. on Jury Lists

A Richmond county negro, J. R. McCormick, now practicing law in Washington, appeared in Federal court at Rockingham this morning and demanded that negroes be given representation on Federal court juries.

This is the first time in the history of any Federal Court in North Carolina that such a demand has been made, and the names of negroes henceforth will be included in the rolls.

A brother of Attorney McCormick was indicted for blockading, but the bill of indictment was quashed by Judge Hayes when the lawyer made the point that no negro names were on the jury rolls.

Judge Johnson J. Hayes prompted ordered District attorney Carlisle Higgins to have a new bill drawn, and directed the jury commissioner of this middle district to put in the jury box the names of some negro electors from each county.

R. H. Thomas, druggist of Sanford pleaded guilty in Federal court today of violating the narcotic act. He was fined $500 and put on probation for three years, and cannot have access to or personally handle narcotics in his drug store.

OKLA. CITY, OKLA.
NEWS
FEB 27 1936

NEGROES ON JURIES

NEGROES are to have places on Oklahoma juries where Negroes are on trial, or at least, must not be systematically barred from jury service, under the warning issued by the Criminal Court of Appeals, which based its warning on the United States Supreme Court decision in the Scottsboro case. Under the terms of that decision, the advice of the Oklahoma tribunal doubtless is timely, but it still is doubtful if it contributes much to obtaining justice, or anything to easing the strain of interracial prejudice.

There have been few trials in Oklahoma that have dealt palpable injustices to the Negro. While there is a social gulf between the races, particularly in the South, the Southerner still has a kindly feeling for the Negro, and in a number of kinds of cases, is likely to take a more merciful view of the Negro offender than he would toward one of his own race. In cases of a sort that do fan racial differences to bitterness, there still might be danger of thwarting justice by using a jury of both races, that might be more inclined to try the case on prejudice than an evidence.

There can be no reasonable objection to the Negro's right to serve as a juror when properly qualified, but the wisdom of such a course will seem doubtful in the minds of many men, who honestly wish to see justice done without regard to color lines. It is impossible for any thoughtful person to ignore racial prejudice, even if free from such prejudice himself, and cognizant of its injustice. Yet the adjustments made should be those most likely to foster peaceful relations of the races. Only time will tell whether the Scottsboro ruling works in that direction or the other way, but many who read the warning of the Oklahoma Criminal Court of Appeals will still have their doubts.

WILMINGTON, N. C.
STAR
FEB 19 1936

NEGROES ON JURIES

Action of the New Hanover county commissioners placing the names of negroes in the jury box for service as grand and petit jurors is in compliance with the recent ruling of the United States Supreme court in the celebrated Scottsboro case, which was remanded to Alabama.

The court held in this instance that the indictment under which the six negroes were tried at Scottsboro was invalid because of the systematic exclusion of members of that race from jury service. Since that time, virtually all southern states have remedied the situation.

Similar action by the New Hanover board was virtually mandatory, lack of such compliance being a stepping stone to the retrial of any case under conditions similar to those prevailing at Scottsboro, which might reach the supreme court.

Order Colored Jurors When Lawyer Demands It

Courier 3-14-36

ROCKINGHAM, N. C., Mar. 12—(ANP) — Negroes will be placed on the jury rolls during the forthcoming federal court session of the federal court in this district, as a result of a demand made on the court by Attorney J. R. McCormick of Washington, D. C. Judge Johnson J. Hayes ordered that the names of Negroes be included in rolls henceforth after attorney McCormick who came here to defend a brother charged with blockading, contended for the inclusion of Negro jurors. Judge Hayes ordered the indictment quashed, a new one drawn and the names of Negroes added to the rolls.

U.S. Calls Negro To Jury Service

Atlanta Daily World

ADA, Okla., April 2—A. N. Roe, prominent Negro politician and farmer of this section, has been serving during the present term of the federal court here as one of te veniremen. 4-2-36

Mr. Roe, a very intelligent and capable citizen, has been accepted and served in several of the big cases tried before Judge Robert L. Williams. Court closed on the 27th. Roe's presence on the jury was the first instance wherein a Negro has been called during the Ada term of the court.

VIRGINIA LAW SEPARATES WHITE AND COLORED JURORS

Richmond, Mar. 13.—A law which permits the separating of white and colored jurors whenever a jury has to be kept together at meal time or overnight has been passed by the State legislature and signed by the Governer. It does not mention either race, but states that the jury law is being observed when "one or more such jurors" is separated from the others, "provided all such jurors, whether separated or not, be kept in charge of officers provided therefor".

TULSA, OKLA. JURY IS MIXED FOR FIRST TIME

TULSA, Okla. (ANP)—Precedent was broken, last week, when for the first time in the history of the State, Tom Crawford, colored, sat on the jury in the district court and along with eleven white companions, acquitted J. D. Boston, a member of his race, of burglary.

SEPARATING JURORS

* * * * * * * *

Senate bill No. 77 enacted by the General Assembly is Jim Crowism in its vilest form. The bill provides that the court in its discretion can separate one or more jurors when the law requires a jury to be kept together until a verdict is reached or the jury is discharged.

It is patent that the decision of the Supreme Court of the United States invalidating any verdict where Negroes are systematically barred from jury service is responsible for this ridiculous amendment to section 4902 of the Code of Virginia.

The amendment is unconstitutional on its face and the first opportunity to test the statute should be accepted. It is an infringement upon the constitutional rights of an accused or litigant and is a covert evasion of the rule laid down by the Supreme Court of the United States regarding Negroes serving on juries.

Why separate peers? The law provides that an American citizen is entitled to a trial by a jury of his peers.

Be it remembered that Senator Gordon B. Ambler was one of the patrons of this jim crow measure. There can be no excuse or misunderstanding this time as to the motive actuating Senator Ambler in sponsoring this measure which is aimed directly at Negroes and which is discrimination in its worst form.

Jury Question Paradox

ONE of the reasons urged, aside from its inherent justice, for the placing of Negroes on jury panels in the South is the contention that they would be more severe in dealing with criminals of their own race, and thereby help to reduce criminality among that group. Even eminent jurists perceived that the theory was logical and persuasive.

But as the old saying goes, there are two sides to every question. A colored attorney on trial in Norfolk recently for the embezzlement of an estate which he handled was represented by a white and Negro lawyer. The venire as finally selected included two colored men. When defense counsel failed to eliminate these two veniremen, the Commonwealth's Attorney concluded that the reason why the defendant's lawyers wanted the Negroes to serve on the jury was the same good reason why he should strike them off.

The peculiar circumstances of this incident led to an examination of the prosecutor's motives. On the witness stand he readily admitted that he had eliminated the colored jurors on peremptory challenges because they were colored, and probably friends of the defendant, and therefore likely to be lenient in reaching a verdict. Presumably, counsel for the prisoner wished them to remain on the jury as one means of promoting the interests of their client.

The defendant's lawyers argued to the court that the Commonwealth's Attorney, in admittedly striking the Negro jurors because they were colored, violated his constitutional rights. And to make the paradox complete, the white member of the prisoner's legal staff apparently thought highest of this contention. At least, it was he who argued the point.

It may be that he stands on holy ground. But with our meagre concept of the law's intricacies we are inclined to believe with the lower court, which overruled the motion for a new trial, that where parties are given peremptory challenges by which they may eliminate jurors for any reason whatsoever, or for no reason at all, that right is not improperly exercised simply because the motives behind it, which cannot be inquired into under the law, are gratuitously given. That, however, is a refinement of our judicature which the Virginia Supreme Court of Appeals will be asked to determine when the pending appeal is perfected.

RACE MAN SITS ON TULSA JURY FOR FIRST TIME

Negro Sits On Jury In Tulsa For First Time In History

TNLSA, Okla., Apri. 2—ANP—Precedent was broken last week when for the first time in the history of this state a Negro, Tom Crayton, sat on the jury in the state district court at Tulsa. He was one of the 12 which acquitted J. D. Boston, another Negro, charged with burglary. Afterwards he sat on a civil case.

The jury system in Oklahoma has been attacked for several years by lawyers of both races. At a hearing held recently in the case of Charlie Miller, bellhop charged with raping a white woman, it was disclosed that in Muskogee county only once during the six-year tenure of office as county clerk by Theodore Frazier had a Negro been drawn on the jury panel.

C. E. Robertson, attorney, led the protest in the Miller case, as he did at the trial of Jess Hollins. One week after Hollins was convicted, Herbert Smith, white attorney, moved to quash an indictment against his Negro client, Albert H. Hart, charged with perjury. At this hearing, one of the county officials testiged that within his recollection, two Negroes had been summoned by mistake. Judge S. L. O'Bannion in refusing to quash the indictment said that no discrimination had been shown as it appeared Negroes had been summoned as jurors—two since statehood.

TULSA, Okla., Apr. 2.—(ANP)—Precedent was broken last week when for the first time in the history of this state a Negro, Tom Crayton, sat on the jury in the state district court at Tulsa. He was one of the 12 which acquitted J. D. Boston, another Negro, charged with burglary. Afterwards he sat on a civil case.

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Reprinted from Late Editions of last week

On Digit Jury

DR. F. N. CARDOZO, local physician, who was selected as one of the jurors on the panel sitting last week when two white men went on trial in numbers cases.

Juries-1936

INDIANA PICKS 1ST RACE MAN FOR JURY DUTY

FORT WAYNE, Ind., May 1.—Fort Wayne and Allen county went on record this week as selecting the first Race member ever to serve on a jury in Indiana. He is Harry E. Wallace of 1110 W. Wayne street.

Mr. Wallace is married and has three children in school and is outstanding in civic and lodge affairs in the city. The recent Scottsboro Supreme Court decision, together with the tireless efforts of William L. Briggs, local Race attorney, are said to be the reasons for the change of heart on the part of the county powers.

Attorney Briggs recently filed a motion with the Allen circuit court to squash a murder indictment with the contention that no Race member had been allowed to serve on the grand jury which returned the indictment.

His petition was denied, but so forceful was his plea that many of the outstanding members of the County Bar Association were impressed and made public comment relative to the unjust custom of refusal to place Race names on the jury lists.

LILY-WHITE GRAND JURIES RULED OUT IN WEST VIRGINIA

CHARLES TOWN, W.Va. — Lily-white grand juries received a death blow here, Tuesday, when Dr. Chester Wainwright succeeded in having dismissed, an indictment returned by a jury selected from lists from which colored persons "had been systematically excluded."

The ruling was handed down by Judge D. H. Rogers, who dismissed the talesmen and ordered a new jury list selected, to report Friday.

Dr. Wainwright's case, involving a charge of possession of stolen property, will be heard again by the new grand jury.

Judge Rogers, who found such jury-exclusion was "a common practice," held that the physician's rights were thus jeopardized.

Birmingham, Ala., Age-Herald
May 2, 1936

Negro Serves On Jefferson Jury In Slaying Case

ALTHOUGH a number of Negroes have been summoned for jury service and included on he Jefferson County Circuit venires since the jury box was refilled last Fall, this week in Criminal Court marked the first time a Negro actually has served on a jury.

The Negro juror was Ersie A. Bradford, undertaker, who is listed as juror No. 15 on this week's Circuit Court venire list. Bradford sat with 11 white men in judgment on a member of his race, Joseph Lee Edwards, who was sentenced to 25 years imprisonment for slaying another Negro, Eddie Denson, with a shotgun.

The jury was impaneled in Judge Robert J. Wheeler's court. After testimony of one witness had been heard, the state's recommendation of 25 years imprisonment was agreed to by defense counsel and carried out by the jury, after Edwards had entered a guilty plea to a second degree murder charge.

When the county's jury box was refilled several months ago, names of many Negroes were placed in it along with names of white persons eligible for jury service, in conformance with the U. S. Supreme Court's ruling in the Scottsboro cases.

Birmingham, Ala. News
May 2, 1936

NEGRO SERVES ON JURY HERE

Many Negroes have been summoned for jury service in Jefferson County in recent months, but one actually served on the jury for the first time in Circuit Court this week.

This distinction went to Ersie A. Bradford, Negro undertaker, who is listed as juror No. 14 on this week's Circuit Court venire list. Bradford sat with 11 white men in judgment on a member of his race, Joseph Lee Edwards, who was sentenced to 25 years imprisonment for slaying another Negro, Eddie Denson, with a shotgun.

This jury was impaneled in Judge Wheeler's court, where the body carried out recommendation of counsel that Edwards be sentenced to 25 years imprisonment, on a plea of guilty, after testimony of one witness had been heard.

Names of many Negroes were placed in Jefferson County's jury box last Fall along with names of white persons when the Jury Board refilled it, in conformance with the U. S. Supreme Court's ruling in the Scottsboro cases.

Citizens Honor Sheriff Responsible For Selecting Negro Juror In N. J. County

NEWARK, N. J.—Sheriff James McRell, of Essex County, who recently caused the selection of the Rev. James Hughes, colored clergyman of Orange, as a member of the grand jury panel, was honored here last Thursday by a committee of leading colored citizens.

In a brief ceremony in the Sheriff's office, the committee presented a set of resolutions deploring the previous condition of discrimination against colored citizens, and commending the action of Sheriff McRell and Jury Commissioner Hildebrand in selecting Rev. Mr. Hughes.

There were brief remarks by former Assemblyman J. Mercer Burrell of Newark, as chairman of the committee; Dr. Walter G. Alexander of Orange, who served on the grand jury in 1923 and who was included in the grand jury panel in 1935 but was not drawn for service; Melvin B. Johnson, editor of the Newark Herald, which led a fight last year for recognition of Negroes for grand jury service; Dr. C. D. Hilton, president of the Newark Branch N.A.A.C.P.; Mrs. Alleyne Simpkins, representing Harold A. Lett, executive secretary of the New Jersey Urban League; Oliver W. Brown, business manager of the Newark Herald; Dr. E. S. Ballou of Montclair, State Grand Master of the Prince Hall Masons; and Mrs. Alice Arrington, executive secretary of the Oakwood Branch Y.W.C.A.

Sheriff McRell replying to the committee said, "I am indeed grateful for your expression of appreciation on behalf of the colored citizens. So long as I am Sheriff there shall be no discrimination on account of race, creed or color. What has happened in the past is water over the dam. I consider all men on a plane of equality, as God didn't ask you or me as to whether we wished to born black, white, or yellow. No man is responsible and none should be mistreated because of any factor over which he has no control. What counts is character and ability, and that is the criterion by which I judge all men."

Deputy Jury Commissioner Flammer explained the method of drawing jurors and attributed the omission of names of Negroes from the panel as drawn or from the grand jury as drawn from the panel as entirely to chance.

Assemblyman Burrell said, "Chance has been in our favor in many counties uniformly, and against us in Essex County for 28 years. Since this is only the third occasion on which the name of a Negro has been drawn on the panel, and only once has been drawn for service on the grand jury itself, we feel that in the past it has not been the result of chance or accident, but we are accepting the assurances of the sheriff and the jury commissioner for the future, and we hope that from this time chance will operate in Essex County as it does in Middlesex where the presence of a Negro on the grand jury is the rule rather than the exception."

ORANGE, N. J.
COURIER

MAY 11 1936

Negroes Laud Sheriff For Recognizing Race

Negro representatives of the Oranges were included in group which has praised Sheriff James A. McRell for his inclusion of negroes in the Grand Jury list.

As a result of McRell's action Rev. James H. Hughes, pastor of Communion Baptist Church, Orange, was drawn for the second half of the April Grand Jury term.

J. Mercer Burrell, former Assemblyman, was spokesman for the group which included Dr. Walter G. Alexander, of Orange, only negro to serve on the Essex Grand Jury in 12 years; and Frances M. Cole of the Oakwood Y.M.C.A., Orange.

McRell thanked the committee and requested that similar appreciation be expressed to Jury Commissioner Hildebrand, who also was instrumental in certifying the negroes for the jury list.

Bristol, Va., Herald-Courier
May 13, 1936.

Negroes And Jury Service.

A Negro accused of assaulting and killing a young white woman has been given the protection of the law and, so far as known, a fair trial at Huntsville, Alabama. He was found guilty and sentenced to death.

The Negro, Walter Miller, had been held in jail at Birmingham for safekeeping. He was accompanied to Huntsville by four companies of militia, and guardsmen and State motorcycle patrolmen were ordered to Huntsville by Governor Graves as a precaution against a threatened lynching.

While in Birmingham the Negro was in jail with the nine members of his race who are the defendants in the famous "Scottsboro case." One or two of these Negroes have been tried and given death sentences two or three times but appeals to the United States Supreme Court have so far saved them from the extreme penalty. The latest ruling of the Supreme Court in these cases was that the defendants were deprived of their Constitutional rights because members of their race are excluded from jury service in Alabama.

In the trial of Walter Miller, concluded Monday, two Negroes were on the regular and special jury panels of one hundred citizens drawn for the trial, but both were stricken from the list by attorneys as the jury of twelve was chosen. Thus no Negro served on the jury which convicted Miller. This method of keeping members of that race off juries is in effect exclusion of Negroes from jury service and probably would be so held by the Supreme Court should the Miller case be appealed to that tribunal.

And Miller's case may be appealed. Since he pleaded innocence and told the jury that he signed a confession after being beaten and threatened with mob violence by a Huntsville officer in the Birmingham jail, the American Civil Liberties Union or some other organization may take an interest in the case and finance a fight in the courts. It would seem that the States should bow to the decision of the Supreme Court and actually admit Negroes to jury service. They would thereby save themselves considerable trouble and expense, at least in cases in which Negro defendants are in position or may be placed in position to demand what the United States Supreme Court has said is their constitutional right.

WHITE JURORS SHOW VIOLENCE IN DALLAS COURTROOM; RESENT PRESENCE OF NEGROES IN PANEL

NEAR RIOT WHEN KNIFE PLAY IS MADE; DISTRICT CLERK TELLS OF TROUBLE

Motion To Quash Overruled By Baskett

DALLAS, Tex., May 21.—One of two Negroes summoned on the weekly jury panel barely escaped violence at the hands of white members of the panel last Monday, it was revealed Wednesday after the defense attorney in a burglary trial sought to quash the jury panel on the ground the Negro jurors had been forcibly excluded.

The near race riot revelation came when Frank Ivey, attorney for James Franklin Moore, 41, a white man, charged in two burglary and one theft over $50 cases in Special Judge Albert S. Baskett's court, challenged the right of county authorities to exclude Negroes after they had been legally summoned and sworn as members of the weekly jury panel.

Motion Overruled

Judge Baskett overruled Ivey's motion to quash the jury panel called from the central jury room for Moore's trial. Ivey filed a motion setting out that there were two Negroes among the 30% who summoned for the weekly jury panel last Monday. All those answering the summons, including the two Negroes, were sworn, but later, Ivey charged, the two men were "elbowed" out of the jury room and told they would not be needed.

In overruling the motion to quash the panel, Judge Baskett said:

"I don't approve of such practices, but I do not believe the exclusion of two Negroes, if they were excluded, is sufficient cause to disqualify those remaining on the panel."

District Clerk George Harwood explained that he offered to pay the two men $3 each for one day's service and asked that they voluntarily excuse themselves. One of the men took the check and left, but the other remained, saying he wanted to serve for the week, Harwood said.

White members of the panel resented the presence of the Negro and demanded that he leave, Harwood explained. It was only after one juror with a knife allegedly made threatening gestures to the man, and other white members of the panel gathered around him that he beat a hasty retreat to Harwood's office, got his $3 check and disappeared, the district clerk explained.

Selection of a jury to try Moore started during the morning, with Attorney Ivey explaining he would carry the Negro jury issue to the Court of Criminal Appeals in the event his client should be convicted.

DALLAS, TEXAS
JOURNAL
MAY 14 1936

Negro Jurors

TEXAS WHITE MEN might as well get around to considering the right of Negroes to serve on Texas juries in State Courts. The thing is going to have to be faced. We've dodged it long enough. The incident in the Dallas County Courthouse which resulted in forcing two Negroes already sworn in as jurors for the week to retire with pay for one day's service (although retirement took place before such service was actually performed) will make ineffectual any verdict of guilty by members of that panel of jurors against any Negro who has a good lawyer and money enough to take his case to the Supreme Court of the United States.

Equality before the law is a very different thing from social equality. One of the sacrifices of good citizenship is that a good citizen accords to every other citizen his full rights under the law. Certainly a prospective juror who, without lawful provocation, draws a pocket knife in the presence of another prospective juror in such a manner as to intimidate the latter and cause him to entertain fears for his safety, and perhaps for his life, is not a good citizen. If the second prospective juror is a Negro, that happens, under the Constitution of the United States, to make the offense more serious in its consequences than it would otherwise have been.

We in the South expect the Negro to obey the law whether he likes it or not. All too frequently the law is of a sort where the Negro is not expected to like it. But the law exacts obedience just the same. The least the good citizen of white lineage can do is also to obey the law, even when it goes against the grain to do so. The man who concedes rights only to those as powerful as himself or to those more powerful, is really not conceding anything at all. Until you have been just to your inferiors you have not been just. If you obey only the laws you like, you are an outlaw.

NORFOLK, VA.
LEDGER DISPATCH
MAY 16 1936

Negroes on and Before Juries

At the time the courts and the country in general were considering and discussing the matter of Negroes on grand and petit juries, the *Ledger-Dispatch* recalled that, long before the Constitution of Virginia of 1902, the presence of Negroes on petit juries was common—certainly in some of the Virginia counties.

In the issue of February 27, 1936, of the *Charlotte Gazette*, recently handed us by an eminent jurist, in a column devoted to "Old Charlotte," appears an item dated March 6, 1879, from which it appears that even fifty-seven years ago the question was a vexed one in some jurisdictions. According to that reprinted news, Judge Rives of the United States Court, who was, we think, the first judge of the Western District, had ordered the removal of the cases of "the Negro murderers" from the state courts and had followed this order by instructions to the grand jury to indict county judges who failed to place Negroes on juries. (That was in the days when each county had its own court and its own judge.) Following these instructions, says the "Old Charlotte" item, the grand jury indicted Judge Staples, of Patrick; Judge Mullens, of Henry; Judge Coles, of Pittsylvania; Judge Bernard, of Franklin; and Judge Bouldin, of Charlotte. The commentator of that day said: "As regards Judge Bouldin, we are the more surprised as we believe he has had colored men on juries, and we had supposed tolerated if he did not approve of it. When one of our lawyers, in an argument, made an appeal to race prejudice, he removed him on the spot. . . . Well, these are strange times."

What happened in the matter of these indicted county judges, we do not know. We retell the story merely because of its indication that some, at least, of those old-time county judges in Virginia obviously felt themselves bound to do what the Supreme Court has recently found it necessary to declare, in effect, that judges of criminal courts must do. The jurisdiction of those old-time county judges was limited, but erudition and reasoning power abode with many of them.

Also applicable today is another statement in the "Old Charlotte" item. It reads: "A lawyer who was present at Danville informs us that a very intelligent colored man who was before the court for some violation of the revenue laws begged his counsel to secure for him a jury of white men."

It is a matter of common knowledge among those who have gone into the subject that one of the reasons for the frequency of crimes of violence among our Negroes, toward one another, is that white juries are unduly lenient with those who commit these crimes.

Augusta, Ga., Chronicle
May 25, 1936

JURY IS CHALLENGED FOR NOT INCLUDING NAMES OF NEGROES

Millen, Ga., May 23.—Shades of the famous Scottsboro case were seen here this week during the trial of a Negro for murder when his attorney moved for the indictment to be quashed because no Negroes had been included in Jenkins county grand or petit juries for "the past 40 years".

The plea of the attorney, E. K. Overstreet, Jr., was the same as that taken to the U. S. Supreme court by the Scottsboro case lawyers, who won a new trial because the original Alabama court had no Negroes' names in its jury boxes.

The defendant, John Tollie was convicted of cutting another Negro to death and has been sentenced to life imprisonment.

Judge Willie Woodrum, who overruled all motions to quash the indictment, and other court officials can recall no similar court event in their experience in this county.

Juries — 1936

PETERSBURG, VA.
PROGRESS INDEX

MAY 16 1936

Circumventing The Supreme Court

WALTER MILLER, colored, this week was convicted of assaulting and killing a young white woman near Huntsville, Ala., and sentenced to death. He was brought to Huntsville from the Birmingham jail where he had been held for safekeeping. Four companies of Alabama troops and a heavy detachment of State motorcycle patrolmen were on duty at Huntsville to prevent lynching.

Two Negroes were on the regular and special jury panels of 100 citizens drawn for the trial of Miller. Both were stricken from the jury list by attorneys while the jury of 12 was being chosen. It will be interesting to see whether the Supreme Court of the United States will hold that this method of keeping Negroes off trial juries is constitutional. The court held that exclusion of Negroes from jury service in the case of one or more of the Scottsboro Negroes was error sufficient to require that a new trial be ordered. It is likely that Miller's case will be appealed to the highest court. Miller signed a confession, but says that he did so as a result of being beaten and threatened with lynching. The U. S. Supreme Court, in an opinion read by Chief Justice Hughes some months ago, scathingly denounced the actions of Alabama officers in beating a Negro into confessing a crime. It is not hard to imagine the high court peculiarly sensitive to the appeal of another Alabama case of a quite similar nature. We have never been able to understand the opposition to jury service by Negroes in the trial of Negro defendants.

RICHMOND, VA.
TIMES DISPATCH

MAY 26 1936

Negroes and Juries

[Norfolk Ledger-Dispatch]

At the time the courts and the country in general were considering and discussing the matter of Negroes on grand and petit juries, the Ledger-Dispatch recalled that, long before the Constitution of Virginia of 1902, the presence of Negroes on petit juries was common—certainly in some of the Virginia counties.

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JAMES MARTIN IS SELECTED FOR FEDERAL JURY IN TEXAS

Pittsburgh Courier Pa 6-13-36

DALLAS, June 11.—To James Martin of Darson, Texas, Navarro County, goes the distinction of being the second Negro to sit on a Federal petit jury here in this jurisdiction in eight years. Mr. Martin was selected for jury service on Tuesday in a Standard Accident Insurance case, the latter being sued by one J. F. Newsome in the U. S. District Court, Judge W. H. Atwell presiding. Attorneys in the case on either side were White, Caldwell and Francis representing the plaintiff and Price Toutchstone representing the defendant.

There have been instances where Negroes have been summoned for jury service recently but the custom has been not to use them even though they have been called. In such cases, the Negroes have been paid just as though they had actually served.

Memphis, Tenn., Com'rcial Appeal
June 9, 1936

NEGRO NAMED ON JURY IN MISSISSIPPI COURT

Is First to Serve Since Reconstruction Days

GULFPORT, Miss., June 8.—With a negro on the petit jury for the first time since reconstruction days, circuit court opened here this morning for the regular June criminal term, with Judge Walter A. White of Biloxi presiding.

Some months ago Judge White, following the United States Supreme Court ruling in the Scottsboro case, ordered the Harrison County board of supervisors to place the names to colored citizens along with the whites in the jury box and the first results of this was seen today when Dan Ramsay, elderly negro, appeared among those summoned for jury service and offering no excuse as to why he should not serve and was sworn in as a member of Jury No. 1. It is the first time in his long period of service on the bench that Judge White had a negro on a jury, he said.

With none of the approximately 30 cases brought over from the last term of court ready for trial, the court took a recess until Wednesday when the first report from the grand jury empaneled this morning is expected.

Louisville, Miss. Journal
June 12, 1936

NEGRO ON JURY IN MISS. COURT

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COWARD SWORN IN AS GRAND JUROR

Chgo-American 7-18-36

WASHINGTON— John E. Coward, 2115 Second Street, Northwest, was drawn as a member of the July term of the District grand jury, which went into operation, Wednesday.

Walter S. Stewart, 1125 B Street, Southeast, whose name was also drawn, suffered an attack of illness as he was about to be sworn in before Justice Daniel O'Donoghue, Tuesday.

NEWS
Hazlehurst, Miss.
6/11/36

NEGRO JURIES

Following the United States Supreme Court ruling in the Scottsboro case, Judge Walter A. White, of Biloxi, has decided to use negroes on his juries.

Circuit court convened at Gulfport Monday and for the first since reconstruction days a negro was accepted and sworn in as a juror.

The negro serving as a juror is an old man and will no doubt be guided by the exidence and try to see that justice is done. However, we just don't like the idea of putting negroes on our juries.

It just won't work out and that is all there is to it. It will only lead to trouble in the future, and the best way to avoid it is not to do it. If they are used on our juries it will give them cause to expect equality in other things, and thev will soon think

they have as much right to eat in our cafes, sit by us in the picture shows, etc.

There is an old saying about giving a fellow an inch and he will take a mile. That still holds true and it usually works out just that way.

Some of our best citizens are colored people. They know their places and stay in them. Why should we spoil them, and not only get them dissatisfied, but start something that is bound to end in bloodshed.

MEMPHIS, TENN.
PRESS SCIMITAR

JUL 101936

Judge Martin Takes First Vacation—Going to Son's Wedding

By NED TRAPNELL, *Press-Scimitar Staff Writer*

Judge John D. Martin recessed his court today.

For the first time in 14 months, the judge of the Federal Court for the western district of Tennessee will take a rest.

Since his appointment to the bench by President Roosevelt on May 8, 1935, Judge Martin has held court daily except for eight days and has held 67 night sessions. He has sat almost 300 days in his district.

JUDGE MARTIN

He gave a month of his time to other districts, three weeks as a special judge in Louisville—when he ruled in favor of the depositors of the wrecked National Bank of Kentucky in a $700,000 suit against the stockholders of the Louisville Trust Co.—four days in the eastern district of Tennessee and three days in the middle district.

In addition, he was on call for emergency work in the middle district for two months during the illness of Judge John J. Gore.

He found a docket jammed with old and current business when he took office. Today, his court stands among the first, if not the first, of all U. S. district courts in its calendar position.

It took the wedding of his only son, John D. Jr., (his law partner until his elevation to the U. S. bench) to make Memphis' most famous jurist "call the game." Judge Martin is leaving tonight with Mrs. Martin for his son's wedding at Miami, Fla., next week.

So strenuously has he labored for 14 months that his colleagues and superiors in the judiciary have cautioned him against overwork and his work has been discussed in the cabinet meetings in Washington and on the floor of the House of Representatives.

Judge Martin is the first Democratic judge to sit in the Federal Court in Memphis. He is also the first to see that negroes were called for jury service as the federal appeal courts have ordered. In the case of two negroes tried in his court and for whom an appeal was made, the Circuit Court ruled that negroes had not been discriminated against in the selection of juries.

That was the Metropolitan Life Insurance Co. fraud case, one of a number of big cases before him.

Four times he has ruled on the constitutionality of laws. Three of these laws have been ruled on by the Supreme Court. He was the first judge to pass on the constitutionality of the AAA, holding it was valid on the strength of the general welfare clause. He was the first to base a decision on the general welfare clause and his reasoning in the AAA case—LaCroix vs. U. S.—was the basis for the government's argument before the highest court.

Judge Martin has not been reversed by the Supreme Court on the law. The dissenting justices in the AAA case used his general welfare foundation and the majority justices ruled the law out on another point entirely.

He ruled the municipal bankruptcy law constitutional and allowed the city of Martin, Tenn., to reorganize, satisfying creditors and taxpayers. No appeal was made. The Supreme Court subsequently invalidated the law but the city of Martin had already taken full advantage of it.

He held the TVA was constitutional in a case which came to him via the criminal calendar, U. S. vs. Pierce and Roach, on a charge of impersonating a government official.

In the case of Bemis Bros. Bag Co. against the National Labor Relations Board, Judge Martin refused the bag company an injunction to stay the activities of the board and declared himself a militant foe of judicial interference with the laws of Congress.

He said that a district judge would have to be "convinced beyond any shadow of a doubt" of the unconstitutionality of a law before staying its operation. He said a district judge should be reluctant to declare a law of Congress unconstitutional because of the confusion that would result from conflicting opinions. The Circuit Court of Appeals upheld him.

When Judge Martin went on the bench, his docket was burdened with 535 war risk cases. There are 89 left. He has sentenced more than 400 men to prison for criminal offenses. He has tried every law case at issue on his docket. He will resume sessions of the court about the middle of August.

So careful has Judge Martin been to make sure his court is open at all times to all men, he has made 18 trips to Jackson, which is the seat of the eastern division of his district. He has closed 224 cases on the law and equity docket at Jackson.

One of the most important cases before him was in the eastern district when the three Tennessee judges—sitting together for the first time in history—ruled the Clinch River was navigable. Owners of land at Norris Dam site wanted $500,000 for their land on the ground they could get that much for it as a private dam site. Since the river was navigable, they had no rights to the dam site, and the land was bought for $60,000, its actual agricultural value.

He has dealt heavily with hardened criminals, lightly with those he thought deserved it. Government law enforcement agents say his treatment of those charged with interstate theft—robbing box cars—has actually all but ended the evil. One agent said he knew two stills had folded up because operators feared their treatment in the Federal Court.

Judge Martin has sat up all night to prepare learned decisions in law and equity cases. But he has thought just as carefully on the sentences meted out to criminals, many of whom he has probated.

"There is just one sound basis for the use of probation," Judge Martin says. "That is when you can redeem the individual without materially impairing the effect of the law and the public's respect for that law."

NEGRO JURY DEBATES FATE OF RACE MEMBER

Murfreesboro Trial Sets Pike County Precedent

MURFREESBORO, Ark., Oct. 1 —(AP)—Pike County's first all-negro jury in history heard a murder trial today in which only negroes are involved.

Circuit Judge A. P. Steel instructed the procedure after Charles Gentry's attorneys unsuccessfully sought to quash a first degree murder indictment against him because there were no negroes on the grand jury returning it.

He ordered into court a special panel of 15 negroes, excusing two of them because they oppose capital punishment. Attorneys quickly selected 12 sawmill workers to hear the case.

State and defense rested late today with a night session called to hear final arguments. The prosecution said the death penalty would be asked for Gentry in the fatal stabbing two months ago of another negro.

State Senator Alfred Featherston, defending Gentry, raised the racial issue. Circuit Clerk M. C. Barton said it was the first time a negro had served on a Pike County jury. Other court attaches said they believed it was the first such trial in Arkansas since Reconstruction days.

Barton reported expressions of indignation among citizens over the proceedings.

"It is very displeasing to a majority of the people, but court is running smoothly without any demonstration," declared the clerk.

"I don't think it will be a regular thing unless attorneys force it," said Barton, adding that the "court is not in favor of it by any means."

Calling of the negro jury here followed reindictment at Hot Springs of Catile Rye, negro, on first degree murder charges in the holdup slaying of Merchant Policeman John McTigrit. The initial bill against him was quashed because there were no negroes on the grand jury.

Juries—1936

NEGRO JUSTICE IN THE 80's

White Mississippian Recalls Fact That He Has Seen 12 Negroes On One Jury In Delta State Prior to 1895.

EDITOR'S NOTE: The following article written by a Southern white man, which appeared originally in a recent issue of the Jackson (Miss) Daily News, gives little known information about Bolivar county, Miss. Bolivar county is the location of Mound Bayou, the famous all-Negro town.

By W. B. ROBERTS

INSTALLMENT I

JACKSON, Miss., July 30—(ANP)—The present generation can hardly realize that even up to 1895, there were numerous Negro officers in Bolivar county and prior to that there were two Negro sheriffs of the county, J. E. Cusley, who afterwards was circuit clerk for many years, and B. K. Bruce, who was elected United States senator from Mississippi and served his full six yearly term in the senate.

The writer has often seen 12 Negroes on the jury with a Negro clerk of the court, Negro lawyers in the court room and all witnesses Negroes, with the court deputies Negroes. In fact, this condition existed in the county until the constitutional convention of 1890 which disfranchised them by legal means.

One of the Negro lawyers of the eighties was living in Bolivar county near Lamont very recently, and the writer only last year had an interview with John Lynch who was a congressman from this district in the early eighties and now resides in Chicago, a very old man.

Almost every justice of the peace of the county was a Negro, many of them very illiterate and lacking in sufficient intelligence for their position. However, I want to state at the very beginning that the brand of justice handed out by these Negroes when in control of the courts was absolutely free of any preujdice toward the white people, and after hearing many trials and being involved as a lawyer in many of these trials, I can testify that not once did I ever think that the judgment reached in a trial was biased by any feeling against the white race. Their verdict and judgments were nearly as right as their intelligence and experience permitted.

As a fair indication of the time I recall that I knew of a newly elected Negro justice who came to a lawyer near him and stated that he wanted the lawyer to help him with his docket and judgments, and stated to the lawyer that he expected to always decide the lawyer's cases in his favor but he wanted the lawyer "to always read the law on the law upon which I is to base my decision." Sufficient to say, the lawyer always cited the "claw" and marked it and the justice faithfully carried out the agreement during his terms in office.

(To be Continued)

Race Man On U. S. Grand Jury In Muskogee, Okla.

MUSKOGEE, Okla., Aug. 14—One of the members of the United States grand jury for the Eastern District of this state is a member of the Race. He is Lewis Oliver Cochran, of McAlester, the first Race man to serve in such a capacity here in 29 years.

Mr. Cochran, who is a real estate broker, has been a resident of Pittsburg County for 34 years and is widely known. Following the first day of the anticipated six months' sitting of the jury, Mr. Cochran reported that he was treated "royally" by the other members of the panel.

He said he was told by the foreman not to be embarrassed and to "ask any questions or make any challenges you want. You have as much right to talk here as anyone else."

Mr. Cochran was recommended by Melvin Cornish, United States Commissioner of McAlester. He is a member of the NAACP and recently attended the annual meeting of the association held in Baltimore, Md.

NEGROES ON VENIRE

First Time in History of Winston-Salem

WINSTON-SALEM, N. C., Aug. 27.—(INS)—For the first time in this city's history a negro was drawn for possible jury service.

The negroes, five of them, were included on a special venire of 100 from which a jury today will be selected to try Raymond Early, negro deaf mute, for criminal assault and first degree burglary. Conviction on either count would bring the death penalty in the state's lethal gas chamber.

State And Federal Courts Beginning To Deal Squarely

Memphis Appointees Tell Of Fine Treatment Given When Serving On Panel With White Citizens

By Nat D. Williams for ANP

Memphis, Tenn.—It has been almost one year since Negroes began serving on the state and Federal court grand and petit juries in Tennessee. Prior to last fall it had been almost a half century since a colored person had served on any jury anywhere in the Western section. Since last fall, several Negroes have served.

Point Raised

But the long precedent of exclusion was successfully challenged and broken last summer in the sensational Ross and Beckett insurance fraud case. Attorney Joe E. Settles, lawyer for Dr. Beckett, entered a plea in abatement to the doctor's indictment before the Federal district court grand jury. He based his plea on the ground that there were no Negroes on the jury.

The point raised attracted wide attention. It was not long before an announcement was made to the public that all the state courts would include the names of colored citizens on their jury lists. A similar policy was adopted by the Federal courts here.

One Hundred Cases

Subsequent developments reveal that since the Ross-Beckett trial, Negroes have played an interesting part on Federal and petit juries in West Tennessee. A brief review of their experiences during this first year of jury service by local Negroes show that they have appeared on juries in more than 100 cases, that they have met with no marked discrimination or prejudice in the treatment accorded them, that they have been treated with uniform respect and consideration, and that they proved their fitness for such service.

Venson Relates Experience

The most interesting revelation made so far relative to his experiences on local Federal juries during the first year has been furnished by Dr. R. Q. Venson, Beale Street dentist and widely known civic leader. Dr. Venson was among the first colored citizens whose names were added to the local court's jury lists. Others were Dr. J. B. Martin, R. M. Banks, Arthur Boles and James R. Wright.

Dr. Venson was selected to serve during the spring term of the Federal district presided over by Judge John D. Martin. Sessions began in April of this year. The doctor was slated to serve for six months.

He states that during that time he has sat on the Federal jury on an average of two cases a week. He has played a part in the settlement of over a quarter of a hundred cases. He has considered the pleas of both white and colored defendants. He was disqualified only once. That was in the case of a white man being tried for violating the law against reusing whiskey bottles. This man, through his attorney, objected to Dr. Venson's presence on the basis of his color.

No Discrimination

The doctor relates that on several occasions cases necessitated the jurors' having to spend two or three nights at a time in the consideration of cases. On these occasions the jurors were taken to spend the night and eat their meals to the Hotel Devoy, one of the leading white hostelries of the city.

Dr. Venson declares that he was accorded the same treatment and accommodations as his white colleagues. The attitude of the white members of all the juries on which he served, he states, was friendly and congenial.

He states that he found no hostility to his taking an active part in any of the deliberations. He was particularly impressed by the remarks of some of the white jurors on different occasions, who expressed their satisfaction with the comparatively new experience (to them) of doing service with a colored person. It was his conclusion that Negro jury service in this section is most beneficial both from a civic and social point of view.

Tennesseans Review Year Of 'Mixed' Jury Service; Harmony Reigns. Friction Absent

Race Jurors Have Played An Important Part In Several Famous Cases—Have Proved Their Fitness For Service.

MEMPHIS, Aug. 27.—(By Nat D. Williams for ANP)—It has been almost one year since Negroes began serving on the state and federal courts' grand and petit juries in Tennessee. Prior to last fall it had been almost a half century since a colored person had served on any jury anywhere in the state, and particularly not in the western section. Since last fall, several Negroes have served.

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3 Jurors Named for Md. Circuit Court

LEONARDTOWN, Md.— John T. Somerville, Thomas A. Mack, and Martin Bell are among the jurors listed on the panel to serve the September term of the seventh judicial circuit of Southern Maryland which begins on Thursday, Judge W. M. Loker has announced.

Teacher Unable To Serve On Grand Jury

Among the names of highly respected citizens recently placed on a venire for prospective duty as grand juror for the present term of the Major Criminal Court was that of Miss Christenia Rice, 349 West Twenty-fifth street.

Miss Rice was quite willing to serve an honor seldom accorded colored persons, but school authorities believing continuance of her splendid work as teacher in the Junior high school, School 17 was more necessary at this time, refused a leave of absence.

JURY SERVICE O. K. IN TENNESSEE

MEMPHIS, Tenn. — The first anniversary of jury service by colored people, both on State and Federal grand and petit juries in Tennessee, which will be observed very soon, will prove that colored jury service has been very beneficial.

During the year, several colored persons served, one of them, Dr. R. R. Venson, sitting in over twenty-five cases. Prior to this time, it had been almost half a century since a colored person had served on a jury in the State.

The policy of exclusion was broken last summer when attorneys for Dr. Beckett, defendant, in an insurance fraud case maintained that their client had not been fairly indicted because no colored persons sat on the jury which voted to hold him for trial.

RACE TO SERVE ON GRAND JURY IN N. CAROLINA

CHARLOTTE, N. C., Oct. 16—For the first time in Mecklenburg county since the days of reconstruction a member of the race will serve on a grand jury. This became definite last week when Judge J. Will Pless ruled that a Race man could not be tried if he were indicted by an all-white jury as has been the case since immediate post-Civil war days.

Five Race Men On Arkansas Juries

HOT SPRINGS, Ark., Oct. 5—The Garland County Circuit court convened here last Monday with Honorable Earl Witt, circuit judge, presiding. And for the first time in forty years Race citizens of Hot Springs were empaneled on both the grand and petit juries.

E. L. Puckett and Will Page were sworn in to serve as grand jurors; Ernest English, James Ferguson and Fred Martin were empaneled on the petit jury to serve during this term of the Circuit court.

Judge Scipio A. Jones, of Little Rock, who became famous in handling successfully the Elaine Cases in 1919, and who is credited with having Race men placed on the grand and petit juries, was present at the convening of the circuit court to witness the swearing in of members of the Race. to serve as jurors.

Names of Negroes Put on Jury Lists

THOMASVILLE, Ga., Oct. 5 (AP)—The names of Negroes appeared today on Thomas county jury lists for the first time in the history of the county.

Names of several Negroes have been included in the jury list following a recent revision. Addition of the Negroes' names, jury commissioners reported, resulted from a recent supreme court decision in which the Scottsboro verdict against Negroes was invalidated because the jury list of the trial county had no Negroes on its jury lists.

Jurors Sit for First Trial in Arkansas

LYNCHBURG, Va. — Ladish Darby, 21, was cut to death by his brother, Johnny Darby, on the highway near here, Sunday night, after the dead brother had taken their mutual girl, Miss Erna Parrish, out for a ride.

Ladish Darby took Miss Parrish, who is said to have been going with both of the brothers, out in a car in company with Willie Banks and Miss Sadie Wayne. When the four returned Johnny was waiting for them beside the highway.

COLORED MAN NAMED FOR JURY SERVICE IN N. C.

CHARLOTTE, N. C., Oct. 22—(ANP)—For the first time since reconstruction days, the name of a Negro citizen was drawn last week for jury service—and not thrown back into the box.

There are names of 625 Negroes and 10,000 whites in the county jury box. The names of the Negroes are written in red ink and the names of the whites in black. Recently Superior Court Judge J. Will Pless, in deciding that an accused Negro burglar and two others charged with murder could not be tried because no members of their race were on the grand jury, was told that all names written in red ink were thrown back into the box when drawn.

Last week the county commissioners, following the ruling by Judge Pless based on the Scottsboro decision of the U. S. Supreme court ordered officials not to throw back any names printed in red ink.

The red slip that was drawn bore the name of John Walker. Just the township and no street address is listed on slips. John Walker was found to live in Charlotte. But an examination of the city directory showed at least a dozen John Walkers listed. The jury sheet turned over to the sheriff's office does not distinguish between whites and Negroes.

Juries-1936

ALL-NEGRO JURY IS
QUESTIONED BY NAACP

New York, Oct. 2.- The question of whether an all-Negro jury to try a case involving Negroes is constitutional or a guarantee of justice, is being considered by the National Association for the Advancement of Colored People following the announcement yesterday of a judge in Murfreesboro. Ark.. that he had ordered such a jury to be called for service in a murder case.

"It would seem," said a statement from the N.A.A.C.P., "that the deliberate calling of a Negro jury, with the exclusion of whites, is just as unconstitutional as the calling of a jury of all whites, specifically directing that Negroes not be called. White people are thus being denied their constitutional rights to serve on juries and to be called indiscriminately for such service. Our legal committee is studying the question."

All-Negro Jury Is Hearing Case

Man Is on Trial Charged With Fatal Stabbing

MURFREESBORO, Ark., Oct. 1 (AP)—Pike county's first all-Negro jury in history heard a murder trial today in which only Negroes are involved.

Circuit Judge A. P. Steel instructed the procedure after Charles Gentry's attorneys unsuccessfully sought to quash a first degree murder indictment against him, because there were no Negroes on the grand jury returning it.

He ordered into court a special panel of 15 Negroes, excusing two of them because they opposed capital punishment. Attorneys quickly selected 12 sawmill workers to hear the case.

State and defense rested late today with a night session called to hear final arguments. The prosecution said the death penalty would be asked for Gentry in the fatal stabbing two months ago of another Negro.

Circuit Clerk M. C. Barton said it was the first time a Negro had served on a Pike county jury. Barton reported expressions of indignation among citizens over the proceedings.

All-Negro Panel Ordered To Hear Murder Charge

MURFREESBORO, ARK., Sept. 30.— (AP)—Circuit Judge A. P. Steel ordered a special venire composed entirely of negroes summoned today to try Charles Gentry, negro, on a charge of first degree murder.

Judge Steel refused to quash the indictment against Gentry when his attorney raised the point that the prisoner's race was not represented on the Grand Jury which indicted him.

Court attaches said it was the first time in the history of Pike County an all- negro jury panel had been ordered. The case will go to trial tomorrow.

RACE ISSUE HALTS NEGRO TRIALS

By C. V. COTTER

CHARLOTTE, N. C., Oct. 16.—Southern criminal court procedure has been impeded by the issue of Negroes on grand juries. Here murder and all other indictments have been quashed and the forming of a new grand jury must await legislation next year.

The Mecklenburg grand jury is without constitutional status because Negroes are not drawn for jury duty. Superior Judge J. Will Pless Jr. ruled as he granted a motion to quash an indictment for first degree burglary against Tommie Walls, Charlotte Negro. An hour later murder indictments against Fred Steel and Sam Jones, Negro slayers of Clifford Fowler, were quashed.

Baxter Hunter, chairman of the Board of County Commissioners, was the only witness to take the stand. After telling the judge that when the names of Negroes are drawn as jurors, they are discarded, Judge Pless asked why.

"Well, personally, I thought it was for the best interests of the community and all concerned," said Hunter.

Earlier, Douglas Bradshaw, clerk to the Board of Commissioners, had told the court that in the Summer of 1935 the names of 625 Negroes were placed in the jury box and that the names of Negroes were printed in red, while the names of whites were printed in black in order to distinguish one from the other.

As Judge Pless handed down his decision he remarked: "I am fully aware of the fact that the commissioners have proceeded in this matter according to their consciences and with the best of intentions, irrespective of law. Yet, by their action, they have placed this court at the whims of defendants. If they don't want to be tried, they cannot be tried. This court is in a predicament and I don't know exactly what will be the outcome. Nothing can be done to remedy the situation until the Legislature meets."

Meanwhile, police authorities declared that despite the virtual breakdown of criminal court all offenders against the law will be jailed. It was pointed out that although defendants can stave off trial in Superior Court until next year the lower courts are still in operation, and quashing indictments cannot result in wholesale liberation of those who are now being held in jail.

SIX MORE GET ON DIXIE JURY LIST

CHARLOTTE, N. C., Nov. 5—(ANP)—Six Negroes were among the 240 persons drawn Monday by the county commissioners as jurors for sessions of Mecklenburg superior court during the next two months. They were drawn for civil sessions from a large box containing the names of 10,625 male taxpayers, of which 625 are colored.

The placing of Negroes on the jury lists resulted from the recent quashing of Superior Court Judge J. Will Pless, Jr., of two indictments against Negroes, charged with capital offenses, because there were no colored selected for jury duty.

St. Louis Jurors Prove Ability

ST. LOUIS—The third all-colored jury to serve here this year ended service on October 23, and distinguished itself in fairness and ability, according to Frank P. Furlong, white, coroner, who had selected eleven other such juries.

Members of the last jury included Frank S. Vashon, 4456 West Belle Place; L. B. Stephens, 2215 Market Street; Harry Bowman, 2337 Market Street; and Lester Atkins, 2227 Papin Street.

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"NEGROES AS JURORS"

Under the above caption, the Greenville News treats most sensibly the jury question insofar as Negroes are concerned. Says the News: "Jury duty is a civil service and, so far as we can see, has no racial bearing. The prospect of having Negroes serving occasionally on juries is not a matter of any great excitement." And why should there be any "excitement?". Certainly, they should be none on the grounds that colored men are not intelligent enough or are lacking in sound judgement and common sense. Are not Negroes doing any and everything in which the qualities are and must be shown? Negroes have ever done well what ever civic duties he has been called upon to perform, in war or peace. One thing is sure, the more Negroes there be, the less prejudice and unfairness there would be in the jury box.

Besides, colored people, with some of them called for jury service, would have more confidence in the courts. Unfortunately they have but little as it is. And who can blame them? How can there be much confidence in any institution in which the law is violated, even though it sets itself up as the dispenser of justice, according to the law. With the exception of Richland county, there has not been a Negro on a petty jury of any court of the state within the past 25 years; not excepting Richland county, there has not been a Negro on a Grand Jury in this generation. Was this brought about in accordance with the law or in violation of it? If it be said that the law was not clearly defined and it was not definitely understood that the barring of Negroes from jury service was in violation of the law, what can be said for such a practise since the U. S. Supreme Court so clearly in the so-called "Scottsboro cases" in 1935 said it was a positive violation? Judging, however, from what is still being done, South Carolina has not heard of those decisions. There should be Negroes on juries, grand and petty.

Charlotte, N. C., News
November 17, 1936

First Negro Called For Service On Jury In County Is Excused

Mecklenburg Negro Farmer Sworn In For Jury Duty But Is Excused By Plaintiff's Counsel In Case Before Civil Division Of Court.

A negro was sworn in as a juror in Mecklenburg superior court here today. The first of his race to serve in the county in that capacity since reconstruction days, he took his place in the jury box along with a score of white men to take the oath. He is Ben Truesdale, farmer of Berryhill township

Another negro, James Perkins was also drawn for Judge G. V. Cowper's civil sessions this week, but he was found to be a non-resident when he wrote from Washington, D. C., two weeks ago to ask the county commissioners to send him railroad fare. As a non-resident he is ineligible to serve.

Truesdale took his place today with 11 white men in the jury box as the court prepared to hear the case of Penn Mutual Life Insurance Co. against Merchants and Farmers National bank.

After some little delay Attorney Frank Kennedy, one of the plaintiff's lawyers, asked Truesdale, "Have you ever done any business with Merchants and Farmers National bank?"

"No, sir," answered Truesdale.

"The plaintiff excuses the juror," said Kennedy.

That was that. Nevertheless Truesdale is still a part of the regular panel, will doubtless make appearances in the jury box from time to time as new cases are called before the week's end.

Before taking up the case in which Kennedy is appearing two divorces were granted. They were: Madeline M. Williams from Floyd S. Williams ,and Ruby Knight from Horace Knight.

A case in which American Trust Co. was the plaintiff, P. C. Baylor and Central Mutual Life Insurance Co., of Chicago, the defendants was stricken from the calendar when attorneys appeared, said the case had been compromised.

The case in which the negro was removed from the jury box is one involving claims of unpaid principal and interest on a mortgage.

Fayetteville, N. C., Observer
October 9, 1936

IGNORANCE—NOT RACE.

The question of negroes on juries has come back to roost in North Carolina as a State court judge has followed suit to his brother jurists of the Federal bench because the county commissioners had consistently discarded the names of negroes who were drawn for grand jury duty.

This question is one worthy of the study of the lawyers of every county for it marks the passing of an unwritten law that coincided with public sentiment and the substitution for that unwritten law of a stricter construction which may fill the requirements of the Constitution but which leaves ragged racial edges.

Except for a brief interval when things were unsettled by the outcome of the Civil War the Southern white man has taken it upon himself to provide justice for the Southern negro. Where he has been unable to do it under the rules laid down by the war imposed amendments to the United States Constitution he has laid a wide detour around that document.

Result was unconstitutional but it was more effective in behalf of peace and justice than bi-racial courts would have been because peace and justice would have been prejudiced more by racial antipathies than by a one-race rule which ignored the Constitution.

But that is the past.

A new regime evidently is dawning, a regime in which negroes through the interpretation of our own native-white state judges are going to have representatives at least on the grand juries.

We will see Cumberland county come to it eventually—and, we hope, cautiously.

Cautiously, we say, because the excellent relationship which the races have enjoyed is too substantial a thing to be thrown away for an effervescent and ephemeral interpretation of a dead letter law.

It would be a good thing if the negroes had representation in our judicial system only if that representation were in ratio to intellectual rather than to numerical proportions.

There are in Cumberland county, unfortunately, citizens, who lack the mental capacity to sit on any kind of jury, and they are not all negroes either.

Unfortunately many of them who lack the mental capacity to make a living or even to cross the street are called to serve on juries. That is one of the many things that is wrong with North Carolina justice.

If the State can work out a court system which will guarantee every litigant his cause will be passed upon by persons of intelligence, then the State will have no cause to fear persons of any race serving on any jury.

Negroes Barred From Jury Box Service

SAN ANGELO, Tex.—(SNS) — The names of two Negroes, Van Pell Evans and Ollie Sneed, appeared among the 44 persons who were to report for jury service in the last term of the 51st District Court here.

Sneed is now living in Plainview, Texas, and Evans, the one who reported for service was advised to "Ah, just forget it."

Evans who learned Monday evening that he was supposed to report for service called District-Attorney Stroman on the telephone and was advised to report Tuesday morning on learning that the person to whom he had advised to report for jury service was a Negro immediately explained that he did not know to whom he was talking and it would be impossible for him to serve on the jury.

Glenn Lewis said, when approached, "Ah, just forget it."

Negroes Left Off Jury Heard Again

Echoes of the ill-famed Scottsboro case were heard last weekend in the Federal Court of Newark, where the Ellis Parkers, father and son, are fighting their indictment for kidnaping Paul H. Wendel, Trenton attorney, in the method used by attorneys for the Parkers consisted of asking the Scottsboro point if 'no Negro is or was allowed to be a member of the Federal Grand Jury, or was selected to be a grand juror."

Argument on the motion was to be heard yesterday (Friday) before Federal Judge Guy L. Fake. The Parkers are using every means to delay trial or to gain a quashing of the charges.

Spartanburg, S. C., Herald
December 29, 1936

NEGRO GRAND JURORS

Columbia, Dec. 28 (AP).— Two negroes were drawn today in the Richland county grand jury for 1937. Court attaches said this was the first time they could remember when negroes had been placed on the grand jury. Negroes often serve on petit juries here. The two negroes are prominent among their race in Columbia.

Juries-1936

State Excuses Race Juror As Swain Trial Opens

Excusing of a Race man from the venire in process of being impaneled, marked the opening of the murder trial of Rufo Swain, 27-year-old Arkansas Baptist college man in Judge Rudolph DeSort's criminal court Monday afternoon.

Ernest Caldwell, 5602 Prairie avenue, a janitor for the Chicago Rapid Transit Company, who has served on several civil juries, was excused by Assistant State's Attorney Emmett Moynihan. Four jurors were tentatively selected as we go to press.

Swain, charged with killing Mrs. Mary Louise Trammell, white, in a South State street hotel several months ago, faces the death chair, but told a reporter he was confident he will go free. He stoutly maintains his innocence of the brutal crime.

The white woman was beaten to death in what police called a "fiend" murder. Search of near-loop hangouts of morons and casual landed Swain, a penniless vagrant, into the police net. He was taken to central police headquarters where after several days grilling he was said to have signed a confession to the crime.

Later Swain repudiated this alleged confession, claiming it had been wrung from him under duress and violence. Attorneys Benjamin F. Pollard, George Lawrence and Jerry Brumfield, who interested themselves in Swain's dilemma, excused four jurors Monday on peremptory challenges.

That fingerprints on a photograph in the slain woman's room were not those of Rufo Swain, but of the actual murderer, will be a point the defense will wage a bitter fight to establish, Attorney Lawrence said. He said the police will be called upon to produce the photograph and if it is not brought into court, there would be "hell about them."

Morris Meyers, another state's aide who is assisting Moynihan in the prosecution of Swain, thought the state had a clean-cut case on which to send Swain to the chair. In an atmosphere distinctly hostile because of the wave of moronic attacks on women and children which have broken on the city in the past few weeks, Swain's conusel were confident they would be able to prove the defendant had been strung up by his arms, bound behind the back by the police.